

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Doc. No. 3:95-cr-00005  
3:07-cv-438**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**IN RE MARC PIÉRRÉ HALL ,**

**Defendant.**

**ORDER**

THE MATTER is before the Court on several filings of Defendant, including: (1) “Motion to Amend Judgment and Reconsideration” (Doc. No. 668 in 3:95-cr-00005); (2) “Motion Pursuant 18 U.S.C. § 3582(c)(1)(A); and (c)(2) for reduction of sentence due to ‘an unusual case of changed circumstances’” (Doc. No. 706 in 3:95-cr-00005); (3) “Motion for Judicial Notice 28 U.S.C. § 201 and Motion in Bar Fully Incorporated to Motion 18 U.S.C. § 3582(c)(2) and Request Sua Sponte Corrections” (Doc. No. 709 in 3:95-cr-00005); (4) “Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(1)A; 3582(c)(2)” (Doc. No. 701 in 3:95-cr-00005 ); (5) “Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A); § 3585(C)(2)” (Doc. No. 711 in 3:95-cr-00005 );(6) “Rule 60(b) Motion” (Doc. No. 713 in 3:95-cr-00005); and (7) “Motion Pursuant to Rule 60(b)/59(e)” (Doc. No. 4 in 3:07-cv-00438).

Petitioner has already filed a petition pursuant to 28 U.S.C. § 2255. See Hall v. United States, No. 3:95-cv-61 (W.D.N.C. October 10, 2001). This Court granted summary judgment for the Government and dismissed the motion to vacate. Id. Furthermore, the Fourth Circuit Court of Appeals dismissed the appeal of that ruling in United States v. Hall, No. 01-7871, No. 01-7893

(unpublished) (4th Cir. February 11, 2002), and subsequently denied Petitioner's petition for writ of *certiorari* in that matter, Hall v. United States, No. 02-5100 (unpublished) (4th Cir. October 7, 2002).

Additionally, the record is clear in this case that Petitioner, on numerous occasions, has attempted to file successive applications for relief from his sentence. In every instance, this Court and the Fourth Circuit Court of Appeals either dismissed or denied Petitioner's request for relief. See In Re: Marc Pierre Hall, No. 99-6882 (unpublished) (4th Cir. December 27, 1999) (denying Petitioner for Writ of Mandamus regarding Petitioner's judgment and conviction order and pre-sentence investigation report); United States v. Hall, No. 99-6547, No. 99-61-3 (unpublished) (4th Cir. February 22, 2000) (dismissing appeal); United States v. Hall, No. 00-6597 (unpublished) (4th Cir. October 2, 2000) (affirming district court's order denying Petitioner's request to convene a special grand jury under 18 U.S.C. § 3332); United States v. Hall, No. 3:95-cr-05-01, No. 3:99-cv-61, (W.D.N.C. January 31, 2001) (denying motion for reconsideration); In Re: Marc Pierre Hall, 07-177 (denying motion pursuant to 28 U.S.C. § 2244 for authorization to file a successive application for relief). On October 16, 2007, this Court dismissed Defendant's "Motion and Supplement Pleadings Pursuant 18 U.S.C. § 3582(a)(1)(A); (c)(2), (PSR) challenges In Leave of Court" (Doc. No. 703) and denied Defendant's Motion to Appoint Counsel (Doc. No. 704).

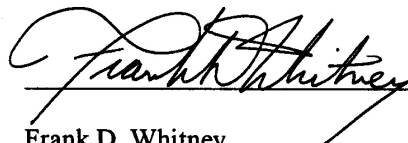
Here, the Court has reviewed the record for error and finds that all seven motions currently pending before the Court are wholly without merit and, furthermore, are frivolous. Moreover, the record is clear that Defendant has made numerous frivolous filings to this Court. Prisoners do not have an absolute and unconditional right of access to the courts in order to prosecute frivolous, malicious, abusive or vexatious motions. Demos v. Keating, 33 Fed. Appx. 918 (10th Cir. 2002); Tinker v. Hanks, 255 F.3d 444, 445 (7th Cir. 2001); In re Vincent, 105 F.3d 943 (4th Cir. 1997).

**Defendant is hereby warned that future frivolous filings will result in the imposition of a pre-filing review system.** Vestal v. Clinton, 106 F.3d 553 (4th Cir. 1997). If such a system is placed in effect, pleadings presented to the Court which are not made in good faith and which do not contain substance, will be summarily dismissed as frivolous. Foley v. Fix, 106 F.3d 556 (4th Cir. 1997); In re Head, 19 F.3d 1429 (table), 1994 WL 118464 (4th Cir. 1994). **Thereafter, if such writings persist, the pre-filing system may be modified to include an injunction from filings.** See 28 U.S.C. §1651(a); In re Martin-Trigona, 737 F.2d 1254 (2d Cir. 1984).

**IT IS, THEREFORE, ORDERED** that Defendant's Motions (Docs. Nos. 668, 706, 709, 710, 711 & 713 in case no. 3:95-cr-00005 and Doc. No. 4 in case no. 3:07-cv-00438) are **DENIED**.

**IT IS SO ORDERED.**

Signed: November 9, 2007

  
\_\_\_\_\_  
Frank D. Whitney  
United States District Judge

